

REMARKS

Claims

Claims 37-43, 46, 47 and 48-68 are pending.

Claims 49-68 were withdrawn from consideration.

Claims 41, 44 and 45 have been canceled.

Claims 37 and 39-43 and 48 have been amended to more clearly define the present invention.

Support for the amendments to claims 37 and 39 is provided in the specification at least at page 19, lines 5-30, taken also with the formulation examples 1a through 3b.

Claims 46, 47, 61 and 62 have been amended in order to provide dependence upon a pending claim.

Withdrawn process claims are amended so as to maintain their scope as similar to that of examined composition claims, providing the opportunity for rejoinder upon a finding of allowable subject matter in the examined composition claims (MPEP § 821.04), and for minor editorial corrections.

Withdrawn claim 68 is amended to provide correct antecedent basis.

Claims rejection under 35 U.S.C. 102

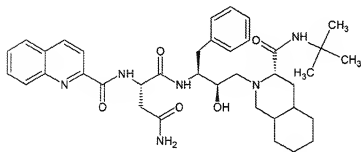
Claims 37-48 stand rejected under 35 USC § 102(b) as being anticipated by Lipari '333. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Applicants submit that the invention as presently claimed is distinct from what is disclosed by Lipari '333. In particular, the formulation of the present invention includes a

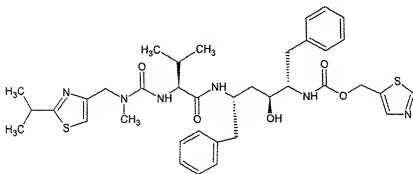
particularized combination of ingredients, in a range of amounts of each, that are not specifically disclosed in Lipari '333. Therefore, the invention as presently claimed is novel over the disclosure of Lipari '333, and the instant rejection should be withdrawn.

As to the present claim 48, which recites particular bioavailability of the active ingredient, Lipari '333 shows no actual composition of saquinavir.

Due to the structural differences between saquinavir and ritonavir, as shown below, these two compounds present completely different properties including solubility and bioavailability.



Saquinavir



Ritonavir

Therefore any functionality with respect to bioavailability of a composition according to Lipari '333, but including saquinavir, is mere speculation at best.

Thus, it must be considered that, at least claim 48 of the present invention is both novel and unobvious, as there is no basis at all in Lipari '333 to suppose the level of bioavailability provided by the presently-claimed composition.

Applicants submit that the invention as presently claimed is patentable over the prior art of record. The favorable actions of withdrawal of the standing rejections and allowance of the claims are requested.


CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Reg. No. 36,623, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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